IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

CRP.No. 482 of 2007()

OS.257/2005 of PRL.SUB COURT,IRINJALAKUDA

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REVN. PETITIONER: PLAINTIFFS:

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1. AMBUJAKSHI, W/O.KEEDAYI SIVARAMAN,
   KARAYAMPADAM DESOM, VARANTHARAPPILLY VILLAGE,
   MUKUNDAPURAM TALUK.

2. SIVARAMAN,
   S/O. KIDAYI KUNJAYYAPPAN -DO-.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

RESPONDENTS: DEFENDANTS 3 TO 5:

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1. THE DISTRICT COLLECTOR, THRISSUR.

2. THE GOVT. OF KERALA,
   REP. BY CHIEF SECRETARY, THIRUVANANTHAPURAM.

3. SUNILKUMAR, S/O. VALLAN KOCHAKKAN,
   VARANTHARAPPILLY VILLAGE, MUKUNDAPURAM TALUK.

4. SHIJI, W/O. KOTTAYI SATHEESAN, -DO-.

5. SEETHA, W/O. KARODU SANTHOSH,
   POOKADU DESOM, -DO-.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

C.R.P.No.482 OF 2007

Dated this the 4th June, 2007.

O R D E R

This revision petition is filed with a prayer to direct the court below to enter into a finding who is liable to pay the court fee. I am informed that the plaintiff filed an indigent O.P which was subsequently converted into a suit and thereafter she obtained a decree for money with costs. But in the judgment there is no mention about on whom does the burden lie to pay court fee. Learned counsel submits that he is not sure whether one will be able to recover the costs from the defendants. Certainly the court below should have taken note of the situation and given a direction to the office to collect the court fee from either the plaintiffs or the defendants. I think it is an omission and therefore I permit the revision petitioners to move the court below under Section 152 of the Civil Procedure Code for getting a direction in that behalf since it is an accidental omission or mistake committed by the court.

C.R.P is disposed of accordingly.

M.N.KRISHNAN
Judge

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